

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

LVN Corporation,

Plaintiff,

v.

Civil No. 13-1926 (JNE/LIB)  
ORDER

Outsource Services Management, LLC, and  
BF-Negev, LLC,

Defendants.

The parties filed a Stipulation Regarding Damages and Method of Resolving Issues Relating to Attorneys' Fees and submitted a proposed order. The Court requested additional information, which the parties provided in a letter dated November 3, 2015. With a few revisions, the Court issues the proposed order.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. LVN Corporation ("LVN") is entitled to \$410,245.20 in damages under the Court's August 17, 2015 Order. Of that amount, Outsource Services Management, LLC ("OSM") owes \$344,546.20; BF-Negev, LLC ("BF-Negev") owes \$65,699.00. The Court will issue a separate order that directs the Clerk of Court to enter judgment.

2. Nothing in this Order or the final judgment shall be construed to preclude OSM and BF-Negev from appealing this Court's August 17, 2015 Order, any final judgment in this matter based upon that Order, and/or any award of costs and attorneys' fees made against OSM and BF-Negev following the entry of final judgment.

3. If LNV wishes to assert a right to recover attorneys' fees, LNV may and shall raise the issue of its entitlement to fees and, if the Court were to rule that LNV is entitled to fees, the amount of those fees, in a post-judgment motion under Fed. R. Civ. P. 54(d).

4. After LNV files its Rule 54(d) motion, the parties are directed to jointly contact the Court's courtroom deputy to obtain the briefing schedule.

5. LNV's Rule 54(d) motion will be heard at a date and time to be determined by the Court.

6. LNV's motion for attorneys' fees shall have the same effect under Fed. R. App. P. 4(a)(4) as a timely motion filed under Fed. R. Civ. P. 59.

7. Pursuant to the parties' Stipulation, LNV, OSM and BF-Negev shall be deemed to have waived any rights they might have, including the right to a jury trial, that would otherwise entitle them to have both LNV's entitlement to fees and the amount of those fees decided at trial by a finder of fact prior to entry of judgment.

8. LNV's pending motion to modify the pretrial scheduling order to permit LNV to file a summary judgment motion regarding its entitlement to attorneys' fees [Docket No. 158] is denied as moot.

Dated: November 4, 2015

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge